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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Case No. 00-581

In re Application of:)
Nix et al.)
Serial No.: 09/872,904) Group Art Unit: 2661
Filed: May 31, 2001) Examiner: TBA
For: PACKET-SWITCHED TELEPHONY)
CALL SERVER)
Commissioner for Patents)
Washington, D.C. 20231)
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OFFICE OF PETITIONS Technology Center 2600

**REQUEST FOR RECONSIDERATION
OF PETITION UNDER 37 C.F.R. § 1.47(a)**

Sir:

Applicants file this Request in reply to the DECISION REFUSING TO ACCORD STATUS UNDER 37 C.F.R. § 1.47(a), mailed May 9, 2002. The Decision noted deficiencies in two items: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings); and (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116. Item (2) is addressed first, followed by item (1).

With regard to item (2), enclosed herewith is a declaration believed to be in compliance with 37 C.F.R. §§ 1.63 and 1.64 signed by the signing inventors on behalf of the nonsigning inventor. This new declaration includes inventor Wiles' citizenship, residence and mailing address. Thus, Applicants respectfully submit that item (2) has been satisfied.

With regard to item (1), enclosed is a Declaration of Marcus J. Thymian that provides evidence that a copy of the complete application papers was mailed via Federal Express to Mr. Wiles' last known address. A return receipt showing the signature of Mr. Wiles is also included.

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A cover letter of instructions accompanied the mailing of the application papers and set a deadline/statement that no response constituted a refusal. As such, Applicants submit that a showing of refusal by conduct has been made.

Should this additional evidence still not suffice for item (1), Applicants have also enclosed a Second Declaration of John A. Nix providing additional evidence of earlier communications between Mr. Nix and Mr. Wiles. The substance and results of the communications are stated and made by Mr. Nix, the person having firsthand knowledge thereof, and serve to show that Mr. Wiles was provided with an electronic copy of the complete application papers, as well as a declaration. An oral refusal made by Mr. Wiles is also described in the Second Declaration of John A. Nix.

Applicant believes no fee is due. Please charge any underpayment or credit any overpayment to Deposit Account No. 13-2490. Should the Petitions Examiner have any questions, he or she is invited to contact the undersigned attorney using the given contact information.

Respectfully submitted,

Go2Call.com, Inc.

July 9, 2002

By



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Enclosures: Declaration and Power of Attorney for Patent Application
Declaration of Marcus J. Thymian and accompanying enclosures
Second Declaration of John A. Nix and accompanying enclosures

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